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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,861	04/11/2006	Jens Eberhardt	EBER3001/JJC	6364
23364 7590 05/29/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER				
LABAZE, EDWYN				
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2887				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,861

Applicant(s)

EBERHARDT ET AL.

Examiner

EDWYN LABAZE

Art Unit

2887

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-28 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date 2/19/2008

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of amendments/arguments filed on 2/19/2008.
2. Receipt is acknowledged of IFS filed on 2/19/2008.
3. Claims 1-31 are presented for examination.
4. This application is a 371 of PCT/EP04/07001 filed on 6/28/2004.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al. (US 2004/0225407) in view of Konya (U.S. 5,937,396).

Re claims 1, 3, 7, 12, 17, 19, 20, and 22-23: Kunz et al. discloses device for working sheet-like material, which includes: a first bank note processing machine {herein apparatus 1} with at least one input pocket {herein pocket 10/20}, at least one checking device {herein checking device 30} and at least one output pocket for subjecting all of the bank notes {herein Kunz teaches means of rechecking some checks by the second processing machine either the

same processing machine or both machine, see paragraphs 28, 36, 44-46} of a deposit {herein deposit devices 50/51/52, 60/61/62} to a first checking operation (paragraphs 14-26); a second bank note processing machine {herein apparatus 100} with at least one input pocket {herein pocket 110}, at least one checking device {herein checking device 130} and at least one output pocket for subjecting bank notes of the deposit {herein deposit devices 150/151, 160/161/162} that were previously checked by the first bank note processing machine to a second checking operation (paragraphs 29-38, 44). Kunz et al. further teaches that an external checking device or a separate control device can be provided to which the data of the check by checking devices 30 and 130 are transferred in order to be displayed to an operator (paragraphs 33-36).

Kunz et al. fails to specifically teach an evaluation device to which data of both the first and second checking operations are supplied for performing an evaluation of the deposit on the basis of both the first and second checking operations.

Konya teaches system for ATM/ATM transfers, which includes a first ATM 14 and a second ATM 16 and a main computer 12/52 for interconnecting and controlling both ATM (see figs.# 1 & 5; col.7, lines 38-67; col.8, lines 36-43; col.9, lines 38-65).

In view of Konya's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Kunz et al. a separate control device as an evaluation device to which data of both the first and second checking operations are supplied for performing an evaluation of the deposit on the basis of both the first and second checking operations so as to oversee the final checking of both processing devices. Such modification would be more effective in enabling an operator to correlate the results, after transmission on both checking devices, better distinction between the relative differences of

authentic bank notes BN and forgeries. Therefore, such modification would have been an obvious extension as taught by Kunz et al.

Re claims 2 and 21: Kunz et al. teaches a system, wherein the second bank note processing machine differs with regard to functionality {herein Kunz et al. teaches that the bank notes are transported at different speeds in apparatuses 1 and 100} and/or efficiency in comparison with the first bank note processing machine (paragraphs 32-33).

Re claims 4 and 31: Kunz et al. teaches a system, wherein different types of deposits, such as deposits of different size or different customers, are checked automatically by different bank note processing machines and/or with different processing sequences {herein Kunz et al. teaches that the checking device 130 contains sensors that check features of the sheet material, or bank notes, that differ from the features checked by the sensors contained in checking device 30} and/or having a higher maximum hourly throughput (paragraphs 2-3, 30-33, 50-51).

Re claims 5-6: Kunz et al. discloses a system, wherein when checking the same deposit the second bank note processing machine performs different checking operations or the same checking operations, optionally with different accuracy and/or different acceptance criteria, from the first bank note processing machine, wherein in the second checking operation in the second bank note processing machine only certain bank notes of the deposit are checked for certain check criteria, in dependence on the check result of the first checking operation in the first bank note processing machine (paragraphs 18, 40).

Re claims 8-9, 15-16, and 24: Kunz et al. discloses a system, wherein the first bank note processing machine performs an authenticity check without a fitness check, and the second bank note processing machine performs a fitness check optionally without an authenticity check,

wherein the first bank note processing machine performs an authenticity check, determination of denomination and orientation sorting of the bank notes (BN) of the deposit, and the second bank note processing machine performs a fitness check of the authentic bank notes (BN) of the same deposit sorted according to orientation (paragraphs 14, 17, 40).

Re claims 10 and 27: Kunz et al. teaches a system, including at-least that a reader unit for reading a unique bank note feature, such as unique measuring features {herein machine-readable barcode} of the bank notes (BN), and/or a reader {herein Kunz et al. described if an invisible ink was used, a corresponding reading device must be used to make the markings visible} for the serial number of the bank notes (BN) is integrated in the first bank note processing machine (paragraph 47).

Re claims 11: Kunz et al. discloses a system, wherein for inserting cassettes of different constructions the first and/or the second bank note processing machine has a plurality of different, firmly mounted adapters or at least one replaceable adapter {although not specifically defined by the applicant} (see figs.# 1 & 2).

Re claims 13-14: The teachings of Kunz et al. and Konya have been discussed above.

Both Kunz et al. and Konya fails to specifically a surveillance camera in a room where the bank notes of the deposit are processed.

However, a surveillance camera in a room is well-known in the art for providing continuous visual information of the enclosed area.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Kunz et al. a surveillance camera as it is common in all ATM machine for recording visual data of all users while depositing and/or

withdrawing money from the terminal. Therefore, such modification would have been an obvious extension as taught by Kunz et al.

Re claim 17: Kunz et al. Teaches a system, wherein at least one output pocket of the first bank note processing machine is connected to at least one input pocket 70 of the second bank note processing machine via a dispatch tube connection (paragraphs 20, 22, 24, 27).

Re claims 18 and 28: Kunz et al. discloses a system, wherein the bank notes (BN) are stacked in the first bank note processing machine in a dispatch tube container {herein interpreted as transport device 70}, and are singled out of the dispatch tube container in the second bank note processing machine connected to the first bank note processing machine via a dispatch tube connection (paragraphs 20, 22, 24, 27).

Re claim 25: Kunz et al. teaches a system, wherein, upon a successive check {herein Kunz et al. means of rechecking the bank notes by the checking device on the other apparatus and means of performing subsequent rechecks} of the bank notes (BN) of a deposit in two bank note processing machines, the accounting of the deposit is already effected after the first checking operation in the first bank note processing machine (paragraphs 20, 25-28, 36, 44-46).

Re claim 26: Kunz et al. discloses a system, including using at that transport containers for the deposits, said containers including, and/or have added to them have a chip with a memory {herein Kunz et al. teaches that checking device 30 contains a controller, which can be formed for example by a microprocessor} and wherein one part of the data to be passed on to the evaluation device and relating to the particular deposit is already prestored in said chip, and for compiling deposits to be processed only a remaining part of the data to be passed in to the

evaluation device and relating to the particular deposit is stored in the chip (paragraph 14, 25-41).

Allowable Subject Matter

8. Claims 29-30 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken alone or in combination with any other references, fails to specifically teach that wherein a check is made as to whether there are deviations between the actual data of the deposit which were determined by the evaluation device on the basis of the checking operations of the first and/or second bank note processing machines, and the target data of the deposit which were already fixed before the carrying out of the checking operations. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Response to Arguments

10. Applicant's arguments filed 2/19/2008 have been fully considered but they are not persuasive.

Re claims 1-28 and 31: The applicant argues that the prior art of record does not teach a system or method for processing bank notes of a deposit by both first and second processing machines (see page 12, lines 21-29 of applicant's arguments).

The examiner respectfully disagrees with the applicant's remarks because the claimed limitations do not recite a result and/or conditions for checking all of the bank notes by both

bank note processing machine. Therefore, the means of rechecking some of the checks through the second processing machines could herein be interpreted as an intended use {herein for double-checking the reading from the first checking processing machine to correlate with the second processing machine} with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed limitation {see Ex parte Masham, 2 USPQ2d 1647 (1987)} and a manual activity.

Furthermore, It would have been obvious to one skilled in the art at the time the invention was made to employ an automatic means of checking all of the bank notes deposited by both processing machines, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/
Primary Examiner, Art Unit 2887
May 31, 2008